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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,432	09/25/2003	Jerome Blondeau	L7307.03159	4252

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01/04/2006

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EXAMINER

HOEKSTRA, JEFFREY GERBEN

ART UNIT	PAPER NUMBER
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3736

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/669,432	Applicant(s) BLONDEAU, JEROME	
	Examiner Jeffrey G. Hoekstra	Art Unit 3736	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 10/669,432.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 10/669432, filed on 09/25/03.

Information Disclosure Statement

2. The information disclosure statement(s) (IDS) submitted on 09/25/03 is/are acknowledged. The submission is in compliance with the provisions of 37 CFR 1.97 and 1.98. Accordingly, the examiner is considering the information disclosure statement(s).

Specification

3. The abstract of the disclosure is objected to because it appears to exceed one paragraph. Correction is required. See MPEP § 608.01(b).

Claim Objections

4. Claim5 is objected to because of the following informalities: said needle with needle and its spring cannot be situated at the rear and displaced to the rearward. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

Art Unit: 3736

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Bauer.

For claim 1, Bauer discloses a surgical biopsy device comprising a needle 68 with a recess about the distal end for receiving biopsy sample, as best seen in Figure 1B, a cannula 80 coaxially disposed around said needle and able to slide independently of said needle, slides 31,33 connected to said cannula and needle and comprising transversely offset limit stops 69, springs 45,64 connected to said slides, an elongated housing 1a, 1b for gripping defining an inner volume within which said slides and associated needle/cannula traverse from distal to proximal positions, a control button 32 for traversing said slides to a proximal position one after another thus contracting said springs and comprising a lug 53 that moves along with button displacement and acts upon limit stops to bring slides to said proximal position, a means for blocking 42,62 said slides in a proximal position, and a trigger mechanism 10,11 that cancels said blocking means and causes forward displacement of said slides associated with needle/cannula via said springs elasticity.

7. For claims 2 and 3, Bauer discloses a displacement means comprising a spring 55 connected to said control button and said lug that permits said cannula/slide to spring into a distal position and wherein an inclined ramp 31a terminating in a lateral edge returns said lug from a deployed position to a retracted one when the slide-cannula combination is located in a distal position, as best seen in Figure 8. Bauer discloses said lug compressing said spring 55 and situated at the same level as said limit stop 69 of first displaces cannula/slide.

8. For claim 4, Bauer discloses a slidably connected 51a, 51b relationship between said lug and said control button as best seen in Figure 1A.
9. For claim 5, Bauer discloses said slide/cannula/spring first situated distally, then proximally displaced via said lug, while said slide/needle/spring are proximally displaced subsequently (column 5 lines 26 – column 6 lines 21).
10. For claim 6, Bauer discloses an oblong opening 9 for said control button to slide through, as best seen in Figure 1A, and a spring 70 that returns said control button to its initial distal position located at the front of said opening.
11. For claim 7, Bauer discloses a blocking means comprises a hooking/releasing device comprising elastically deformable hooks and fixed limit stops that engage when the cannula/slide and/or needle/slide are displaced in the proximal direction as best seen in Figure 12C (column 2 lines 34-42).
12. For claim 8, Bauer discloses triggering mechanisms including front and rear tumblers 17,19 able to be actuated independently.
13. For claim 9, Bauer discloses front 17 and rear 19 tumblers connected.
14. For claim 10, Bauer discloses a pushbutton 11 with an elastic member 41 with a bracket projecting into housing to free blocking means; moreover, the slide/needle is configured with an unblocking bracket 18 projecting to act on blocking means, as best seen in Figure 12D.
15. For claim 11, front tumbler 17 comprises a lever pivoting about an axis wherein said connection connects lever and rear tumbler, as best seen in Figure 12C.

16. For claim 12, Bauer discloses a notch safety means (column 1 lines 54-62) for rendering trigger mechanism inoperative.

17. For claim 13, Bauer discloses a housing comprised of two half-shells 1a, 1b joined together.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey G. Hoekstra whose telephone number is (571)272-7232. The examiner can normally be reached on Monday through Friday, 8:00 a.m. to 5:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max F. Hindenburg can be reached on (571)272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGH



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